



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/538,513	03/30/2000	Fumio Sumi	43889-934	8512

20277 7590 06/02/2003
MCDERMOTT WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

EXAMINER

LE, KIMLIEN T

ART UNIT	PAPER NUMBER
2653	

DATE MAILED: 06/02/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/538,513	SUMI ET AL.
	Examiner	Art Unit
	Kimlien T Le	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 20 March 2003.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-11 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 30 March 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
 - a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed on March 20, 2003 have been fully considered but they are not deemed to be persuasive.

Applicant asserts on page 3:

At a minimum, it does not appear that Andoh has any component corresponding to the claimed status sampling section, which functions to sample status reports. It is noted that while Andoh apparently discusses changing the sampling period over which ATIP errors are counted (see, e.g., col. 2, lines 30-34), it does not disclose changing the time between sampling of status reports. Indeed, as stated above, Andoh does not appear to disclose the sampling of status reports.

The Examiner maintains that Andoh (U.S. Patent 6,141, 306) discloses the sampling of status reports and Applicant should note that changing the sampling period as admitted by applicant to be in Andoh does inherently provide a change in sampling time of status signals, i.e. the claimed status reports, in Andoh. (column 5; lines 59-67; column 7 line 53- column 8, line 41; column 14, line 56- column 15, line 30; column 16, line 59- column 17, line 28).

Claim Objections

2. Claim 11 is objected to because of the following informalities: There is no antecedent for "the optical disk controller". Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 2653

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.. Claims 1-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Andoh (U.S. Patent 6,141, 306).

Regarding claim 1, see Figs. 1 and 2 of Andoh which show the optical disk controller for performing signal processing for an optical disk comprising: a status generator (15, 16, 18, 21-23) for generating status reports each representing the operation state of the optical disk controller; and a status sampling section (17,13) for sampling the status reports (see respective description of circuits 17 and 13).

Regarding claim 2, see Figs. 4 and 5 of Andoh which show the optical disk controller of claim 1, wherein the status sampling section comprises a sampling interval setting portion for setting a status sampling interval (column 2, lines 50-60; column 6, lines 18-25).

Regarding claim 3, see Figs. 4 and 5 of Andoh which show the optical disk controller of claim 2, wherein the sampling interval setting portion sets the sampling interval according to the rotational speed of the optical disk (column 2, lines 50-60; column 6, lines 18-25).

Regarding claim 4, see Figs. 4 and 5 , 8 of Andoh which show the optical disk controller of claim 3, wherein the sampling interval setting portion determines the rotational speed of the optical disk according to a synchronization period of a signal demodulated from the optical disk(column 2, lines 50-60; column 6, lines 18-25; column 6, lines 10-36).

Art Unit: 2653

Regarding claim 5, see Figs. 4 and 5 , 8 of Andoh which show the optical disk controller of claim 2, further comprising assigning means for allowing the sampling interval setting portion to set the sampling interval according to a command input externally (column 2, lines 50-60; column 2, lines 25-35; column 5 , lines 4-5, lines 55-60).

Regarding claim 6, see Figs. 4 and 5 , 8 of Andoh which show the optical disk controller of claim 2, wherein the sampling interval setting portion sets the sampling interval according to an error rate of a signal demodulated from the optical disk (column 1, lines 33-35; column 2, lines 25-35).

Regarding claim 7, see Figs. 16 and 17 of Andoh which show the optical disk controller of claim 1, wherein the status sampling section comprises a sampling category storing portion that stores "sampling abort" status indicating that sampling operation should be aborted, and when the status report generated by the status generator matches with the "sampling abort" status stored in the sampling category storing portion, the sampling is discontinued .

Regarding claim 8, see Figs. 16 and 17 of Andoh which show the optical disk controller of claim 1, wherein the status sampling section comprises a sampling category storing portion that stores "forced sampling" status indicating that the status report should be forcibly output even during sampling operation, and when the status report generated by the status generator matches with the "forced sampling" status stored in the sampling category storing portion, the status is output even during sampling operation.

Regarding claim 9, see Figs. 16 and 17 of Andoh which show the optical disk controller of claim 7 or 8, further comprising assigning means for setting sampling category information representing the relationship between a factor in the status report and sampling operation and

storing the sampling category information in the sampling category storing portion (column 14, lines 40-60).

With regard to claim 10, see Figs. 16 and 17 of Andoh which show the optical disk controller of Claim 9, wherein the status sampling section updates the sampling category information stored in the sampling category storing portion according to a signal demodulated from the optical disk (column 14, lines 26-38).

With regard to claim 11, see Figs. 1, 16 and 17 of Andoh which show an optical disk device comprising the optical disk controller, said optical disk controller comprising: a status generator for generating status reports each representing the operation state of the optical disk controller; and a status sampling section for sampling the status reports.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

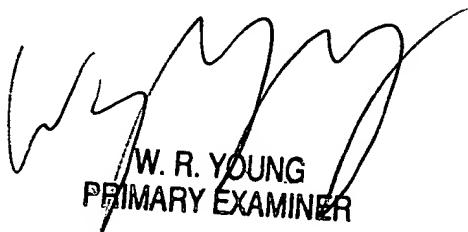
Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimlien Le whose telephone number is 703 305 3498. The examiner can normally be reached on M-F 8a.m-5p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on 703 305 6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703 872 9314 for regular communications and 703 872 9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 305 3900.

Kimlien Le
May 30, 2003



W. R. YOUNG
PRIMARY EXAMINER